

HOUSE BILL 711

E4, L1

11r1665
CF SB 581

By: **Delegates Beitzel, Myers, K. Kelly, Bobo, Haddaway-Riccio, Serafini, and Wood**

Introduced and read first time: February 10, 2011

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Manufactured Homes – Sprinkler System Requirement – Opt-Out Provisions**
3 **for Local Jurisdictions**

4 FOR the purpose of authorizing local jurisdictions to adopt a certain local amendment
5 to allow certain manufactured homes to opt-out of certain sprinkler
6 requirements if the local jurisdiction has adopted a local amendment to the
7 Maryland Building Performance Standards that allows buildings and structures
8 to opt-out of certain sprinkler requirements; providing for the applicability of a
9 certain local amendment; providing that a certain local amendment prevails if
10 there is a conflict with a certain building code; requiring a local jurisdiction to
11 ensure that a certain local amendment is adopted in accordance with applicable
12 local law; defining certain terms; and generally relating to requirements in local
13 jurisdictions for sprinkler systems in manufactured homes.

14 BY repealing and reenacting, without amendments,
15 Article – Public Safety
16 Section 12–301(a), (b), and (g) and 12–303
17 Annotated Code of Maryland
18 (2003 Volume and 2010 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Public Safety
21 Section 12–305(d)
22 Annotated Code of Maryland
23 (2003 Volume and 2010 Supplement)

24 BY adding to
25 Article – Public Safety
26 Section 12–305(e)
27 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2003 Volume and 2010 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article – Public Safety**

5 12–301.

6 (a) In this subtitle the following words have the meanings indicated.

7 (b) “Department” means the Department of Housing and Community
8 Development.

9 (g) (1) “Manufactured home” means a structure that:

10 (i) is transportable in one or more sections;

11 (ii) is 8 body feet or more in width and 30 body feet or more in
12 length;

13 (iii) is built on a permanent chassis; and

14 (iv) is designed to be used as a dwelling, with or without a
15 permanent foundation, when connected to the required utilities.

16 (2) “Manufactured home” includes the plumbing, heating,
17 air-conditioning, and electrical systems contained in the structure.

18 12–303.

19 Notwithstanding any other provision of this subtitle, local land use
20 requirements, building setback requirements, side and rear yard requirements, site
21 development and property line requirements, zoning requirements and uniform fire
22 control regulations, regardless of where the requirements, ordinances, regulations, or
23 statutes are set forth, are reserved to local government.

24 12–305.

25 (d) **[The] SUBJECT TO SUBSECTION (E) OF THIS SECTION, THE**
26 Department may adopt regulations that relate to issues of construction or safety of
27 manufactured homes for which a federal standard has not been established and which
28 are not reserved to a local government under § 12–303 of this subtitle.

29 **(E) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE**
30 **THE MEANINGS INDICATED.**

1 (II) “INTERNATIONAL BUILDING CODE” HAS THE MEANING
2 STATED IN § 12-501 OF THIS TITLE.

3 (III) “LOCAL JURISDICTION” HAS THE MEANING STATED IN §
4 12-501 OF THIS TITLE.

5 (2) IF A LOCAL JURISDICTION ADOPTS A LOCAL AMENDMENT TO
6 THE MARYLAND BUILDING PERFORMANCE STANDARDS THAT ALLOWS
7 BUILDINGS AND STRUCTURES TO OPT-OUT OF ANY REQUIREMENT TO HAVE A
8 SPRINKLER SYSTEM IN THE BUILDING OR STRUCTURE, THE LOCAL
9 JURISDICTION MAY ADOPT A LOCAL AMENDMENT TO ALLOW MANUFACTURED
10 HOMES TO OPT-OUT OF ANY REQUIREMENT IN THE INTERNATIONAL BUILDING
11 CODE TO HAVE A SPRINKLER SYSTEM IN THE MANUFACTURED HOME.

12 (3) IF A LOCAL JURISDICTION ADOPTS A LOCAL AMENDMENT
13 UNDER THIS SUBSECTION TO THE SPRINKLER REQUIREMENT FOR
14 MANUFACTURED HOMES IN THE INTERNATIONAL BUILDING CODE, THE LOCAL
15 AMENDMENT APPLIES IN THE LOCAL JURISDICTION.

16 (4) IF A LOCAL AMENDMENT ADOPTED UNDER THIS SUBSECTION
17 CONFLICTS WITH THE INTERNATIONAL BUILDING CODE, THE LOCAL
18 AMENDMENT PREVAILS IN THE LOCAL JURISDICTION.

19 (5) A LOCAL JURISDICTION THAT ADOPTS A LOCAL AMENDMENT
20 UNDER THIS SUBSECTION SHALL ENSURE THAT THE LOCAL AMENDMENT IS
21 ADOPTED IN ACCORDANCE WITH APPLICABLE LOCAL LAW.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2011.